

1 An Ordinance pertaining to the Animal Code; repealing Section Two of Ordinance
2 62941, providing definitions, codified as Section 10.20.010 of the Revised Code of the City of
3 St. Louis (hereafter “Revised Code”), and enacting in lieu thereof a new section on the same
4 subject matter; repealing Section Five of Ordinance 62853, codified as Section 10.20.013 of the
5 Revised Code, pertaining to Rules to be promulgated by the Health Commissioner and enacting
6 in lieu thereof a new section on the same subject matter; repealing Section One of Ordinance
7 68463, pertaining to the prohibition of the keeping of certain animals, codified as Section
8 10.20.015 of the Revised Code, and enacted in lieu thereof is a new section on the same subject
9 matter; repealing Section Eight of Ordinance 62853, pertaining to the regulation of animal
10 housing, codified as Section 10.20.016 of the Revised Code, and enacting in lieu thereof a new
11 section on the same subject matter; repealing Section Four of Ordinance 47883, pertaining to the
12 penalty for violating certain sections of the Revised Code, codified as Section 10.20.160 of the
13 Revised Code, and enacting in lieu thereof a new section on the same subject matter; repealing
14 Section One of Ordinance 47883, pertaining to the definition of fowl, codified as Section
15 10.20.130 of the Revised Code; repealing Ordinance 42333, codified as Section 10.70.170 of the
16 Revised Code, pertaining to the appointment of a veterinary surgeon; and containing a
17 severability clause.

18 **WHEREAS**, citizens of the City of St. Louis have expressed strong interest in
19 sustainable urban farming and agriculture, utilizing vacant property for urban agricultural

1 activities, keeping of an increased number of fowl, and the ability to sell produce and other
2 agricultural goods from their land to their community from their property; and

3 **WHEREAS**, the institutions within the City of St. Louis have a vested interest in policies
4 which increase access to food and facilitate urban agriculture including Washington University
5 whose faculty and students participated in the writing of this bill and Harris Stowe University
6 who boasts an Urban Agriculture program, the only one of its kind in the region; and

7 **WHEREAS**, the City of St. Louis is home to innovative people and entrepreneurs who
8 desire to grow food for themselves and their neighbors, to increase access to nutritious, fresh
9 foods, and to develop agricultural enterprises that boost the local economy; and

10 **WHEREAS**, in 2015, the Healthy Eating and Active Living Partnership in St. Louis, a
11 coalition of community organizations led by the City of St. Louis Department of Health, reported
12 54.9% of City residents live in areas considered to be a food desert;

13 **WHEREAS**, The City of St. Louis Obesity Report, released in 2015, indicated the
14 overall rate for overweight and obesity among residents over age 16 in the City is 61% and less
15 than two out of five City residents (38%) are normal weight;

16 **WHEREAS**, according to the USDA's 2016 Healthy Food Access Report, a lack of
17 access to fresh, healthy foods can contribute to poor diets and higher levels of obesity and other
18 diet-related diseases;

19 **WHEREAS**, the City of St. Louis has prioritized through its Sustainability Plan to build
20 a vibrant, community-based urban agriculture industry; to encourage creative, smart, and

sustainable uses for under-utilized land and buildings; to increase access to healthy, local food, and nutritional information; and to maintain a diverse and valuable tax base; and

WHEREAS, the Board of Aldermen hereby finds that passage of this ordinance is in the best interest of the City of St. Louis.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. Section Two of Ordinance 62941, codified as Section 10.20.010 of the Revised Code of the City of St. Louis, is hereby repealed and enacted in lieu thereof is the following new section.

10.20.010 Definitions.

As used in this Chapter, the following words and phrases shall have the meaning ascribed to them in this section:

- A. “Adequate care” means normal and prudent attention to the needs of an animal, including wholesome food, clean water, shelter and health care as necessary to maintain good health in a specific species of animal;
- B. “Adequate control” means reasonable constrain or governance of an animal so that it does not injure itself, any person, another animal, or property;
- C. “Aqua Farm” means the farming of fish, crustaceans, molluscs, aquatic plants, algae and other aquatic organisms. Excluded from this definition is Asian Carp which is prohibited within the City of St. Louis.
- D. “Commissioner” means the Commissioner of the Health Division of the City of St. Louis Department of Health and Hospitals or their delegate.

1 E. "Domestic animal" means a dog or cat, including any puppy or kitten, which is
2 more than six weeks old.

3 F. "Educational agricultural operations" means organizations with agricultural
4 demonstration sites used for the primary purpose of public access for educational
5 opportunities.

6 G. "Fowl" means chickens, ducks, turkeys, geese, pigeons, quail, pheasants, and
7 other fowl, domesticated or wild, excluding roosters.

8 H. "Honey Bees" means a member of the genus Apis distinguished by the production
9 and storage of honey. Excluded from this definition is Africanized honey bees which is
10 prohibited within the City of St. Louis.

11 I. "Kennel" means any premises on which more than four animals are domiciled or
12 otherwise kept, which must obtain a graduated business license except for those persons
13 obtaining a noncommercial kennel permit.

14 J. Kept: A large farm animal, a small farm animal, or domestic animals shall be
15 considered to be "kept" on premises if an owner or occupant of that premises, for a
16 period of more than seven days, provides food and/or shelter to the animal, even if such
17 person does not claim ownership of the animal.

18 K. "Large farm animal" means any cattle, sheep, goat, swine, except for Vietnamese
19 Pot-Bellied Pigs which may be kept pursuant to Section 10.20.015 of this part.

1 L. “Noncommercial kennel permit” means a permit issued to an owner or keeper of
2 no more than eight (8) domestic animals that are owned or kept for personal pets, and the
3 domestic animals or their offspring are not sold or offered for sale or used for breeding.

4 M. “Owner” means any person who provides food or shelter to a small farm animal
5 or domestic animal for more than seven consecutive days or who professes to own, keep
6 or harbor an animal.

7 N. “Pot-bellied pig” means a domestic Vietnamese pot-bellied pig.

8 O. “Property located within a residentially zoned district” means any parcel of
9 property which the official zoning District Map, as it may be amended by the Board of
10 Aldermen from time to time, shows as being located within an A, B, C, D, or E zone. If a
11 portion of a parcel is within one of the zones, the entire parcel shall be considered to be
12 located within a residentially zoned district for purposes of this part.

13 Q. “Research facility” means a laboratory operated by a college or university in
14 which research is conducted using animals.

15 R. “Reptile” means all turtles, lizards, and nonpoisonous snakes except boids over
16 eight (8) feet in length.

17 S. “Small farm animals” means fowl

18 T. “Small farm animals permit” means a permit issued to an owner or keeper of
19 more than eight small farm animals on a parcel of land at least 20,000 square feet in size.

20 U. “Veterinarian” means an individual licensed to practice veterinary medicine by
21 the State of Missouri.

1 V. “Veterinary hospital” means a premises at which one or more veterinarians
2 provide treatment for sick and injured animals.

3 **SECTION TWO.** Section Five of Ordinance 62853, codified as Section 10.20.013 of
4 the Revised Code, is hereby repealed and enacted in lieu thereof is the following new section:

5 **10.20.013** Rules to be promulgated by health commissioner—Enforcement, issuance of
6 kennel permits, issuance of noncommercial kennel permits, issuance of small farm animal
7 permits.

8 A. The Health Commissioner shall promulgate rules and regulations as necessary in
9 the interest of public health, safety and general welfare to interpret and implement the
10 provisions of this part to secure the intent thereof.

11 B. Persons wishing to obtain a noncommercial kennel permit, a kennel permit, or
12 small farm animal permit shall make application therefore to the Health Commissioner,
13 in writing, on a form prescribed by the Health Commissioner, which shall contain the
14 name of the applicant, the address for which the permit is sought, the address and
15 telephone number at which the applicant can be contacted, the maximum number of
16 animals which the applicant proposes to keep, and any additional information requested
17 by the Health Commissioner. No application for a permit shall be accepted by the Health
18 Commissioner unless accompanied by a \$60.00 inspection fee.

19 C. Upon receipt of an application for a permit, the Health Commissioner shall
20 cause an inspection to be conducted of the premises for which the application is
21 submitted to determine if such premises complies with the provisions of this part and

1 of the rules and regulations promulgated by the Health Commissioner pursuant to
2 subsection A of this section.

3 D. No permit shall be issued, except upon a determination by the Health
4 Commissioner that the premises for which an application for such permit has been
5 made complies with the provisions of this part and the rules and regulations
6 promulgated by the Health Commissioner, that the person applying for such permit has
7 obtained or applied for all necessary City licenses, and that in the case of an application
8 for a noncommercial kennel permit or a kennel permit on the premises for which such
9 permit has been sought would not violate applicable provisions of the zoning code.

10 E. If the Health Commissioner determines that the standards set forth in subsection
11 D of this section has been complied with, the Health Commissioner shall issue a permit
12 to the applicant. The permit shall specify the name of the permittee, the address of the
13 facility, and the maximum number of animals which may be housed thereat. In
14 addition, the Health Commissioner may condition the issuance of the permit on
15 compliance by the permittee with additional requirements which the Health
16 Commissioner has determined, with regard to the particular facility, to be necessary to
17 protect human health, safety or welfare and/or the health or welfare of animals to be
18 housed therein.

19 F. A permit shall be valid for one year from the date on which it is issued. Permits
20 shall be renewable. Persons holding valid permits may apply for renewal thereof no
21 more than thirty days prior to the expiration of such permit. A renewal application shall

1 not be considered by the Health Commissioner unless accompanied by a \$60.00
2 inspection fee. The Health Commissioner shall cause an inspection to be made of the
3 premises prior to renewing the permit. Such renewal shall be valid for one year from
4 the date of expiration of the former permit.

5 **SECTION THREE.** Section One of Ordinance 68463, codified as Section 10.20.015 of
6 the Revised Code of the City of St. Louis, is hereby repealed and enacted in lieu thereof is the
7 following new section on the same subject matter:

8 **10.20.015** Keeping of certain animals prohibited.

9 A. No person shall raise or keep within the City of St. Louis any roosters,
10 Africanized honey bees, Asian Carp or large farm animals. Nor shall any person raise or
11 keep within the City of St. Louis any canine which is the offspring of the mating of a
12 domestic canine with a wolf or coyote. The raising of such animals is hereby declared to
13 be a public nuisance. Notwithstanding the foregoing, the above specified animals may be
14 raised or kept within biological laboratories, hospitals, slaughterhouses, stockyards,
15 zoological gardens, educational agricultural operations or an itinerant or temporary show.

16
17 B. One pot-bellied pig, per parcel of property, may be kept in the City of St. Louis,
18 provided that males over the age of four (4) weeks (28 days) are neutered and females
19 over the age of one hundred twenty (120) days are spayed. All such animals must be
20 proven purebred lineage, and the owner must be able to produce litter papers to verify
21 pedigree. Pigs over the age of one hundred twenty (120) days must be registered and

1 licensed as required of dogs and cats. Fees for such licenses will be the same as required
2 for dogs and cats, and must be obtained from the Health Commissioner. Upon complaint
3 of annoyance, the privilege of keeping a Vietnamese pot-bellied pig will be determined
4 by an investigation by agents of the Health Commissioner, and if deemed an annoyance
5 and nuisance, the pot-bellied pig shall be removed from within the limits of the City of
6 St. Louis, within 48 hours.

7 C. One fowl is permitted for every 4 square feet of indoor enclosure space and
8 every 10 square feet of outdoor enclosure area provided to the animal, to a maximum
9 of eight fowl per parcel; except that only 2 square feet of indoor enclosure space and
10 four square feet of outdoor enclosure area shall be required per every fowl in biological
11 laboratories, hospitals, pet shops, slaughterhouses, stockyards, zoological gardens,
12 educational agricultural operations, and itinerant or temporary shows.

13 D. No person shall raise or keep more than eight (8) small farm animals within the
14 City, unless a person owns at least 20,000 square feet of contiguous land, lives within
15 one quarter mile from the property, and obtains a small farm animal permit by the
16 Health Commissioner. Conditioned upon issuance of a small farm animal permit, on
17 lots greater than 20,000 square feet one additional fowl is permitted per 1,000 square
18 feet in excess of 20,000 square feet, to a maximum of 20 small farm animals; except
19 that such small farm animals may be raised or kept in excess of eight small farm
20 animals within biological laboratories, hospitals, pet shops, slaughterhouses,

1 stockyards, zoological gardens, educational agricultural operations, or itinerant or
2 temporary shows.

3 E. No owner/guardian of any animal shall permit such animals to be found at large
4 on the streets of the City or in any public place or on another person's property.

5 **SECTION FOUR.** Section Eight of Ordinance 62853, codified as Section 10.20.016
6 of the Revised Code, is hereby repealed and in lieu thereof is the following new section:

7 **10.20.016** Regulation of animal housing. The Health Commissioner shall have authority
8 to establish minimum standards and regulations governing the manner of keeping, raising, and
9 sheltering of any animal not prohibited by law on any premise or lot, or in any structure or
10 building within the City, as the Health Commissioner deems necessary to prevent nuisances or
11 insanitary conditions. The following standards are mandated by law:

12 A. No coops or cages housing bees, Aqua Farm or fowl may be located in front
13 yards..

14 B. All small farm animals or Aqua Farms shall be provided with a covered,
15 predator-proof coop or cage or other shelter that is thoroughly ventilated, designed to
16 be easily accessed and cleaned, and of sufficient size as determined by the Health
17 Commissioner to permit free movement of the animals. A minimum of two (2) square
18 feet per animal of space inside such a structure is required or (2) pounds of aquatic
19 animal per cubic feet of water or 1 pound per 3.74 gallons of water.

20 C. A maximum of fifty (50) square feet of space inside the coops shall be
21 permitted.

1 D. All coops or cages shall not be closer than 1.5 feet from any property line;
2 except when there is a solid-surface fence sufficient to prevent the small farm animal
3 or any part thereof or any waste produced by such animal from passing through to the
4 adjacent property, in which case all coops and cages shall not be closer than 10 feet
5 from all residential dwellings on adjacent parcels.

6 E. The person maintaining any coop, hive, tank or cage, by such act of
7 maintenance, authorizes the Health Commissioner to at any time inspect a structure or
8 premises and issue any order as may be necessary to carry out the provisions of this
9 section.

10 F. Small farm animals shall have access to an outdoor enclosure, which may or
11 may not be the lot in its entirety. The outdoor enclosure shall be adequately fenced to
12 contain the small animals within the enclosure and to prevent access by dogs and other
13 predators. The outdoor enclosure shall provide at least four square feet of area for each
14 animal.

15 **SECTION FIVE.** Section One of Ordinance 47883, codified as Section 10.20.160 of
16 the Revised Code, is hereby repealed and enacted in lieu thereof is the following new section:

17 **10.20.160** Each sale separate offense.

18 Any person, firm or corporation making a sale, gift or award in violation of the
19 provisions of Sections 10.20.140 and 10.20.150, shall be guilty of a misdemeanor, and upon
20 conviction thereof shall be fined in the sum of not less than five dollars (\$5.00) nor more than
21 five hundred dollar (\$500.00). Each such sale, gift or award shall constitute a separate offense.

1 **SECTION SIX.** Section One of Ordinance 47883, codified as Section 10.20.130 of the
2 Revised Code, is hereby repealed.

3 **SECTION SEVEN.** Ordinance 42333, codified as Section 10.20.170 of the Revised
4 Code, is hereby repealed.

5 **SECTION EIGHT.** It is hereby declared to be the intention of the Board of Aldermen
6 that each and every part, section, and subsection of this Ordinance shall be separate and
7 severable from each and every other part, section, and subsection separately and independently
8 of any other part, section, and subsection. In event that any part, section, or subsection of this
9 Ordinance shall be determined to be or have been unlawful or unconstitutional, the remaining
10 parts, sections, and subsections shall be and remain in full force and effect, unless the court
11 making such finding shall determine that the valid portions standing alone are incomplete and are
12 incapable of being executed in accord with the legislative intent.